

ORDINANCE NUMBER O-19274 (NEW SERIES)

ADOPTED ON APRIL 26, 2004

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SAN DIEGO AMENDING CHAPTER 9, ARTICLE 8,
DIVISION 7, OF THE SAN DIEGO MUNICIPAL CODE, BY
AMENDING SECTION 98.0730, PERTAINING TO CAUSE
FOR RESIDENTIAL EVICTIONS.

WHEREAS, on March 30, 2004, the City Council adopted Ordinance No. O-19269
[CA No. O-2004-55] providing bases for eviction of tenants; and

WHEREAS, the Council intends that the regulations protect long-term tenants from
arbitrary and retaliatory evictions without infringing constitutional rights of property owners; and

WHEREAS, the Council does not intend that the Ordinance be interpreted to impose any
form of rent control in the City of San Diego; NOW THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 9, Article 8, Division 7, of the San Diego Municipal Code is
amended by amending section 98.0730, to read as follows:

§98.0730 Termination of Tenancy

A residential *tenancy* of more than two years duration shall not be terminated, nor
shall its renewal be refused, except for one or more of the following reasons:

(a) through (d) [No change.]

(e) **Refusal to Renew Lease.** The tenant, who had a written lease or rental
agreement which terminated on or after April 26, 2004, [Note to Clerk:
insert effective date of Ordinance No. O-19274 (CA No. O-2004-122)] has
refused, after written request by the *landlord*, to execute a written

extension or renewal thereof within the written period prescribed by the lease or state law for a further term of like duration with similar provisions. Neither this provision nor any other provision of this Division shall affect a landlord's ability to increase rent on any *rental unit*.

(f) through (h) [No change.]

- (i) **Owner or Relative Occupancy.** The *landlord*, or his or her spouse, parent, grandparent, brother, sister, child, grandchild (by blood or adoption), or a *resident manager* plans to occupy the *rental unit* as their principal residence.

Section 2. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its passage.

Section 4. That Ordinance No. O-19269 [CA No. O-2004-55] is superseded insofar as it conflicts with the provisions of this ordinance.

APPROVED: CASEY GWINN, City Attorney

By _____
Prescilla Dugard
Deputy City Attorney

PD:dm:cdk
04/01/04
Or.Dept:City.Atty
O-2004-122